

Docket No.: 013341.000003b

Reissue Serial No.: 09/919,750

## REMARKS

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Claims 16-20, 60-65, and 85-94 are pending herein after entry of the amendments.

Claims 1-15, 21-26, 74-84, and 95-105 have been withdrawn, and claims 27, 58-59 and 106-145 have been canceled herein. Applicant respectfully reserves the right to file one or more divisional applications on any of the canceled claims. No new matter has been added by these amendments, thus, the Examiner is respectfully requested to enter the amendments.

In response to the Restriction Requirement, Applicant elects, without traverse, the claims of Group I (claims 1 - 26, 60-65 and 74-105). Further, Applicant elects, with traverse, species number 2, method for supporting skin in a facelift operation, recited in claims 16-20, 60-65, and 85-94. The traversal is on the basis that the Examiner has not demonstrated that the requirements for claim restriction have been met. In particular, it is stated in section 803 of the MPEP that two criteria for proper restriction of claims must be met: 1) The inventions must be independent and distinct as claimed, AND 2) there must be a serious burden on the examiner if restriction is required. The MPEP further states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Applicant notes that, of the claims in Group I, claims 1 - 26, 60 - 61 and 63 - 65 were allowed by the Examiner in the Official Action dated June 15, 2004; therefore, most of the claims of the two species designated by the Examiner have already been examined together and have been allowed. Thus, Applicant believes that the Examiner has not met the requirements of a *prima facie* showing of why search and examination of all of the claims of Group I, most of which have already been searched and examined, would pose a serious burden. Thus, Applicant respectfully requests that this election of species restriction be reconsidered and withdrawn.

By the above Amendments and Remarks, Applicant respectfully submits that the present application is now in proper condition for allowance and respectfully solicits official notification of allowance from the Examiner.

If a minor issue remains outstanding after the Examiner has studied the above Amendments and Remarks, the Examiner is respectfully requested to telephone the undersigned attorney so that any such matter may be resolved and the application be placed in condition for allowance without the necessity for an Official Action.

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The Commissioner is authorized to charge the fee of \$120.00 for the one-month extension of time for a large entity to Deposit Account No. 13-4365, and the Commissioner is authorized to charge any deficiencies, or to credit any overpayment, to that deposit account.

Respectfully submitted,

Date: 3/21/05

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